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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FACEBOOK, INC.,

Plaintiff,

v.

POWER VENTURES, INC. a Cayman Island
Corporation; STEVE VACHANI, an individual;
DOE 1, d/b/a POWER.COM, DOES 2-25,
inclusive,
Defendants.

Case No. 5:08-cv-05780 JW (HRL)
Hon. Judge James Ware

**STIPULATION TO WITHDRAW
EXHIBIT C TO FISHER
DECLARATION (DKT. NO. 98)**

STIPULATION

Plaintiff Facebook, Inc. ("Plaintiff") and defendants Power Ventures, Inc., Steve Vachani, and Power.com (collectively "Defendants"), by and through their respective counsel, hereby stipulate and agree as follows:

WHEREAS, on May 9, 2011, Defendants filed a Motion for Summary Judgment, which is set for hearing on September 19, 2011. Dkt. No. 98. In support of that motion, Defendants attached as Exhibit C to the Declaration of L. Timothy Fisher the transcript of the February 17, 2011 Deposition of Craig Clark, in-house counsel at Facebook. *Id.* Ex. C. Defendants lodged the exhibit under seal, because it had been designated confidential pursuant to the Stipulated Protective Order.

WHEREAS, counsel for Plaintiff and Defendants have since met and conferred regarding the confidentiality designation of the Clark deposition transcript.

WHEREAS, counsel for Plaintiff has agreed to remove the confidential designation from the Clark deposition transcript, except for pages 41:7 through 44:15, which will remain designated as confidential.

WHEREAS, counsel for Plaintiff and Defendants have agreed that Defendants are not waiving their right to challenge the confidentiality designation of pages 41:7 through 44:15 at a later date.

WHEREAS, Defendants agree to withdraw the entire Clark deposition transcript filed as Exhibit C to the Declaration of L. Timothy Fisher in Support of Defendants' Motion for Summary Judgment.

WHEREAS, Defendants agree to re-file the Declaration of L. Timothy Fisher with Exhibit C containing only portions of the Clark deposition cited in Defendants' Motion for Summary Judgment, as those portions are no longer designated as confidential.

IT IS SO STIPULATED.

Dated: June 7, 2011

BURSOR & FISHER, P.A.

/s/

L. Timothy Fisher

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ATTESTATION OF FILER

Pursuant to General Order No. 45, Section X, Subparagraph B, the undersigned attests that all parties have concurred in the filing of this stipulation.

Dated: June 7, 2011

Respectfully submitted,

/s/

L. Timothy Fisher